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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,626	02/18/2004	Yukio Kokuzawa	396.43512X00	9089
20457	7590	06/02/2005	EXAMINER	
ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-3873			MAHONEY, CHRISTOPHER E	
			ART UNIT	PAPER NUMBER
			2851	

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/779,626

Applicant(s)

KOKUZAWA ET AL.

Examiner

Christopher E. Mahoney

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,7,9,11,13 and 15 is/are rejected.
- 7) ☒ Claim(s) 2,4,6,8,10,12,14 and 16-18 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

Claims 3-4 and 11-12 are objected to because of the following informalities: It is unclear in claims 3-4 and 11-12 how a ten point roughness of 3 μ m may be obtained from a roller with only a 6 μ m roughness. Appropriate correction is required.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the light diffusing fine particles must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

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pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 9, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshimura (U.S. Patent No. 5,751,478). Yoshimura teaches a Fresnel lens sheet 1 comprising a Fresnel lens substrate and a Fresnel lens 2, whose surface of the light source side 3 has an average pitch of 200 μm or smaller (100 μm , col. 7, line 43) and ten point roughness of 3 to 15 μm (5 μm , col. 7, line 44). The Fresnel lens is used in combination with a lenticular lens sheet 4 for use in a rear projection screen (title). The Fresnel lens is formed by molding a thermoplastic resin with the use of a roller (col. 7, line 32) having a surface with a ten point roughness of to 15 μm (5 μm , col. 7, lines 25-40).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 7, 13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshimura (U.S. Patent No. 5,751,478) in view of Kamiya (U.S. Patent No. 6,663,953).

Yoshimura teaches the salient features of the claimed invention except for a copolymer of methacrylate and styrene. Kamiya teaches in col. 3, lines 46-60 that it was known to produce a Fresnel lens from a copolymer of methacrylate and styrene. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a copolymer of methacrylate and styrene, for the purpose of utilizing readily available materials. The applicant should note that it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

In re Leshin, 125 USPQ 416.

Claims 1 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe (U.S. Patent No. 5,513,036). Watanabe teaches a Fresnel lens sheet 6 comprising a Fresnel lens substrate 14 whose surface 18/20 of the light source side has a pitch and roughness combined with a lenticular lens sheet 5 (figure 3) for use in a rear projection screen 2 (in figure 1). The applicant is directed too review figures 1, 3, and 22-24. Watanabe discloses the claimed invention except for an average pitch of 200 μ m or smaller and a ten point roughness of 3-15 μ m. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use an average pitch of 200 μ m or smaller and a ten point roughness of 3-15 μ m for the purpose of utilizing an optimum range. The applicant should note that it has been held that where the general working conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

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Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe (U.S. Patent No. 5,513,036) in view of Kamiya (U.S. Patent No. 6,663,953). Watanabe teaches the salient features of the claimed invention except for a copolymer of methacrylate and styrene. Kamiya teaches in col. 3, lines 46-60 that it was known to produce a Fresnel lens from a copolymer of methacrylate and styrene. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a copolymer of methacrylate and styrene, for the purpose of utilizing readily available materials. The applicant should note that it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Allowable Subject Matter

Claims 2, 4, 6, 8, 10, 12, 14, and 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher E. Mahoney whose telephone number is (571) 272-2122. The examiner can normally be reached on 8:30AM-5PM, Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'C. Mahoney', with a stylized flourish at the end.

Christopher E Mahoney
Primary Examiner
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